IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.20340 of 1997

Dated: 31-01-2007

Between:

Polineni Lakshmanna, s/o Peda Nanjappa,
aged about 50 years, agriculture,
r/o Diguvapalle,
h/o Eguvapalle,
Kadiri Mandal,
Ananthapur District.

... Petitioner

and

The Mandal Revenue Officer,
Kadiri Mandal,
Ananthapur District.

... Respondent

ORDER:

This petition is filed seeing *mandamus* declaring the proceedings in R.Dis.No.238/96(E), dated 14-02-1997 of the respondent, as arbitrary and illegal.

2. Facts, in brief are: An extent of Ac.3-30 cents in

Survey No.133/1 of Eguvapalle revenue village was originally assigned to one Jenne Gangappa in the year 1964. Subsequently, the said land was sold to one Kaminikonda Chandrayudu. From the said Chandrayudu, the petitioner purchased the said land under two registered sale deeds, dated
07-08-1974 and 30-03-1977 and since then he has been in peaceful possession and enjoyment of the same without any interruption.

3. According to the petitioner though he is a landless poor person,
the respondent authorities invoking the provisions of Act 9 of 1977 passed an order stating that the petitioner is in unauthorized possession of the land in question and thus ordered restoration of the said land in favour of the legal representatives of the original assignee.

4. Heard learned counsel for the petitioners.

5. The main grievance of the petitioner is that the order impugned resuming the land in favour of the legal representatives of the original assignee is without notice.

6. Since an appeal is provided under Section 4(A) of Act 9 of 1977, as against the orders impugned, this Court is not inclined to go into the merits of the case. However, it is suffice to direct the petitioner to avail the alternative remedy of appeal provided under the statute.

7. Accordingly, the writ petition is disposed directing

the petitioner to file an appeal against the orders impugned within four weeks from the date of receipt of a copy of this order. On such appeal being filed,
the appellate authority shall dispose of the same within a period of three months thereafter. It is made clear that till such time, *status quo* shall be maintained.

JUSTICE GOPALAKRISHNA TAMADA

Dt.31-01-2007
GLV